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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,396	01/28/2004	Robert A. Erickson	K-2081	3342
27877	7590	04/26/2005		
KENNAMETAL INC. P.O. BOX 231 1600 TECHNOLOGY WAY LATROBE, PA 15650			EXAMINER ADDISU, SARA	
			ART UNIT 3722	PAPER NUMBER

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,396

Applicant(s)

ERICKSON, ROBERT A.

Examiner

Sara Addisu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/16/04 and 12/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claimed subject matter (tool length of approximately 80-120 mm) is not supported by the Specification. Applicant mentions tool length of 100mm as an example (Page 6, line 5), but there is no mention of the specific range 80-120 mm. Applicant also states no criticality for this claimed range.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

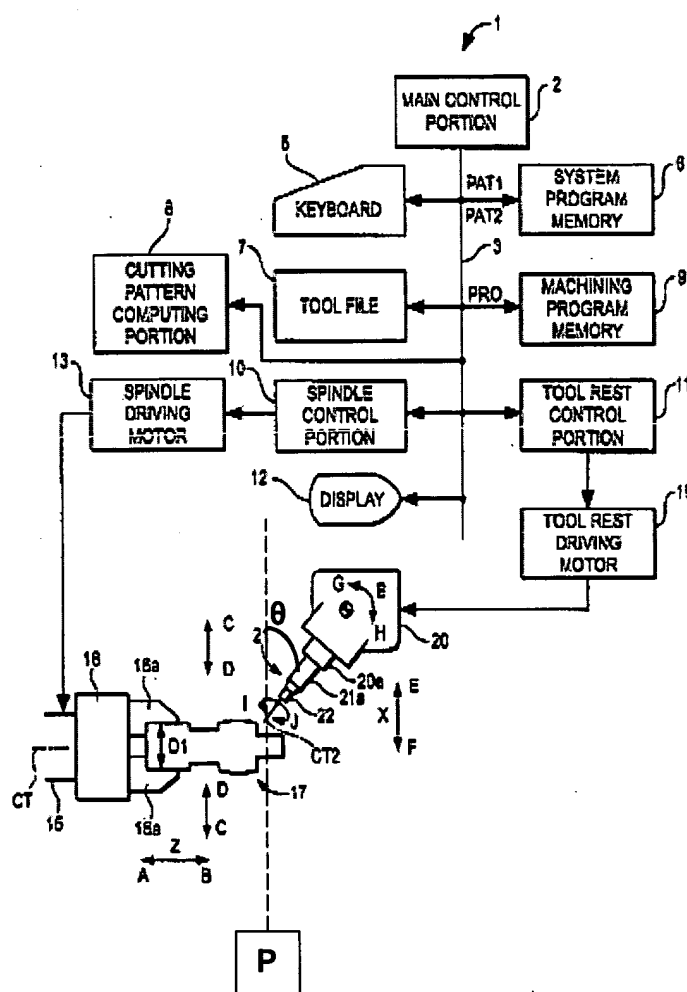
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 8, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki et al. (U.S. Patent No. 6,453,782).

Yamazaki et al. teaches a tool rest (tool holder) (20) having an insert (22) that is aligned/lies on the same centerline as the tool and rotational axis (CT2) (see Figures 1 and 4b). Yamazaki et al. also teaches the centerline of the tool holder (20) being able to

move freely in the B axis, indicated by G-H arrow in fig 1 (Col. 2, lines 54-59), therefore be aligned at a non-zero angle (θ) with respect to an axis, P, that is perpendicular to a longitudinal axis work piece (17) (see diagram below). Furthermore, Yamazaki et al. teaches machining program (PRO) being used to decide the degree of the B-axis angle (i.e. non-zero angle) (Col. 4, lines 60-63).

FIG. 1



The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (U.S. Patent No. 6,453,782).

Yamazaki et al. teaches a tool as set forth in the above rejection.

Yamazaki et al. fails to specify the non-zero angle to be in the range of 25-45 degrees.

Regarding claims 2, 6 and 10, although, Yamazaki et al.'s teaching does not recite the specific range, Yamazaki et al. teaches a machining program (PRO) being used to decide the degree of the B-axis angle in fig 1 (Col. 4, lines 60-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize a computer program to rotate the tool holder at an appropriate optimize angle (25-45 degrees) since such a modification would have allowed a greater flexibility of cut.

Regarding claims 3, 7 and 11, Yamazaki et al. discloses the claimed invention except for the tool length size being in the tool length range. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the tool length of Yamazaki et al.'s invention since examiner takes Official Notice of the equivalence of "tool length of 80-120mm" [as claimed in claims 3, 7 and 11 of the instant application] and "shortened tool length due to inclination/tilting of tool holder spindle" (as

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taught by Applicant on Page 6, lines 1-5 and supported by Yamazaki et al.'s tilted/inclined tool holder), for their use in tool machining art and the selection of any of these known equivalents to clear the work holding device would be within the level of ordinary skill in the art.

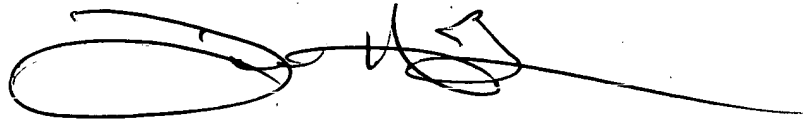
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu
(571)272-6082

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700